

INVISTA S.à r.l.  
Voluntary Disclosures for Victoria, Texas  
Final Report – January 31, 2006

1 AB 13.A

| Item | Regulatory Citation  | Brief Description of Requirement   | Deficiency   | Corrective Action   | Date Discovered | 60-day Deadline | Date Corrected         | Frequency/Duration |
|------|--|--|--|---|-----------------|-----------------|------------------------|--------------------|
| 64   | TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; TPDES Permit No. 00476, Conditions 1(a) and 2(g) | Except as authorized by a rule, permit, or order issued by TCEQ, no person may discharge sewer, municipal waste, recreational waste, or industrial waste into or adjacent to any water in the State. | Filter backwashing and other activities associated with operation of the on-site swimming pool that result in discharges to waters of the State are not addressed in the facility's TPDES permit.  | The swimming pool was closed as an interim measure to prevent discharges. In addition, discharges associated with the operation of the swimming pool were included in the facility's TPDES renewal application submitted to TCEQ on August 4, 2004.   | 7/20/04         | 9/18/04         | 8/4/04<br>See Tab 18.B | B,F                |
| 65   | 40 C.F.R. § 707.20(c)  | Importers of chemicals must certify at the port of entry that the chemical substance either: 1) is subject to and in compliance with TSCA; or 2) is not subject to TSCA.                             | The facility has imported chemical samples without issuing an import certification at the port of entry. The facility has submitted post entry import certifications when imported chemicals received at the facility are identified.                  | The Industrial Hygiene procedure was revised to require documentation of unsolicited samples.   | 7/22/04         | 9/20/04         | 9/20/04                | B,F                |
| 66   | 40 C.F.R. § 707.60(a)  | Exporters of chemical substances or mixtures must notify the EPA of such exportation.  | The facility has exported cyclohexanol (CAS # 108-93-0) to England and has not submitted an export notification to the EPA.  | The TSCA export notification for cyclohexanol has been submitted to EPA. (See TSCA findings under Tab 14.A.)  | 7/22/04         | 9/20/04         | 9/20/04                | B,F                |
| 67   | 40 C.F.R. § 717.12(a)  | TSCA §8(c) requires facilities to create and maintain records of allegations received from employees that chemicals caused significant adverse effects on human health.                              | The facility has not recorded employee allegations of adverse health impact under TSCA §8(c) for a chemical burn to the face, tongue and right eye from the HMD barge unloading point and an odor from the C-12 area that caused headaches and nausea. | The Industrial Hygiene complaint form has been revised to require recording as potential TSCA §8(c) violations. Occupational Health Procedure No. 921, Reporting Adverse Health and Env. Effects under TSCA, has been revised to insure all on site and off site health and environmental allegations are forwarded to the Plant TSCA coordinator and INVISTA Occupational Health Capability Manager for determination of TSCA §8(c) recordability. | 7/22/04         | 9/20/04         | 9/20/04                | B,F                |

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| 68   | 40 C.F.R. § 761.2(a)(2)                            | Transformers and capacitors manufactured prior to July 2, 1979 with oil-filled equipment with unknown PCB concentrations must be managed as if the equipment contains greater than 500ppm of PCBs.           | Capacitors with unknown concentrations of PCBs were not presumed to contain greater than 500ppm PCB and were not being managed as PCB-containing equipment.   | The site conducted a full assessment of PCB capacitors in the 1980s. Hundreds of known PCB capacitors were removed from the site and the site PCB capacitor list was "empty." Documentation and review of all capacitors has been redone to show that markings on the capacitors show non-PCB or that dates are past the PCB usage timeframe. The review of capacitors yielded 394 large capacitors. Of those, 16 could not be viewed until power is shutdown. The 16 were marked with a PCB marking on the outside of the cabinet until they are verified as non-PCB visually again. | 7/22/04         | 9/20/04         | 9/17/04        | B,F                 |
| 69   | TPDES Permit No. 00476; 30 T.A.C. § 305.125(11)(C) | Records of monitoring activities shall include the identity of the individual who collected the sample or made the measurement and the identity of the individual and laboratory who performed the analysis. | (1) Severn Trent Laboratories reports do not identify the individual(s) who collected the samples and who performed the analysis.<br>(2) Pace Analytical reports do not clearly indicate who collected the samples. | The facility has sent letters to each lab requesting that future reports contain the missing data identified by the audit.  | 7/20/04         | 9/18/04         | 9/15/04        | B,F                 |
| 70   | TCEQ Air Permit No. 809 (Adipic Acid)              | The AOP flare is to be operated only in Emergency Service.   | The AOP flare is operated to control start-up and shut-downs as well as process leaks.  | The facility determined that the current operation of the AOP flare falls within the definition of Emergency Service because such operation is described in the permit application. Outside counsel conferred with TCEQ in making this determination.   | 7/21/04         | N/A             | N/A            | E                   |

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| 70.1 | 30 T.A.C. §§ 101.201(a)(1) and (b) | As soon as practicable, but no later than 24 hours after the discovery of an emissions event, the owner or operator of a facility shall determine if the event is a reportable emissions event and notify TCEQ and local air pollution control agencies, if the emissions event is reportable, and create a final record of all reportable and non-reportable emissions events as soon as practicable, but no later than two weeks after the end of the emissions event. | On multiple occasions, ammonia has been detected in the AOP flare vent header thus causing the flare's ring burners to ignite for short periods of time. The facility has not recorded these events or reported them as emissions events to TCEQ. | The facility has begun recording these emissions events associated with the AOP flare in its emissions event records and will report to TCEQ any such events that result in emissions equal to or in excess of a reportable quantity and keep such reports. | 8/12/04         | 10/11/04        | 9/10/04        | B,F                |

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| 71   | TCEQ Air Permit No. 810, Special Condition No. 1   | The adipic acid process must comply with the maximum hourly and annual emission rates listed on the maximum allowable emission rate (MAER) table.  | The facility's 2003 Emissions Inventory for the adipic acid process indicates that the facility exceeded hourly and/or annual limits for:<br>(1) Op1 and Op1A Catalyst Mix Tanks.<br>(2) No. 1, 2, and 3 TWKA Storage Tanks.<br>(3) Op1A No. 1 and 2 TWKA Receivers.<br>(4) Op1 and Op1A Crude KA Tanks.<br>(5) Op1A NVR tank.<br>(6) Op1 No. 1 and 2 TWKA Receivers. | The tank emissions reported in the 2003 Emissions Inventory exceeded the allowable tank emission rates listed in the Permit No. 810 MAER table because of changes to AP-42 methodology that occurred around 1996. The facility submitted an air permit renewal application to TCEQ on August 19, 2004 using the current version of AP-42.                             | 7/20/04                            | 9/18/04         | 8/19/04<br>See Tab 18.B | D,F                |
| 72   | 30 T.A.C. § 101.10(a) and (d); NSR Permit No. 9560 | The owner or operator of a source in Texas must submit emissions inventories and/or related data as required. The Cogeneration permit limits PM emissions to 11 tons per year and 2.6 lbs per hour.  | The facility improperly reported 21 tons of PM from the cogeneration facility in the facility's 2003 Emission Inventory (EI), which was based on data generated by the prior owner.   | The facility resubmitted the 2003 EI report to TCEQ on August 4, 2004 and thereby corrected the PM emissions reported for the cogeneration facility. The revised EI was based on a vendor-supplied emission factor for PM rather than the AP-42 emission factor used to prepare the initial 2003 EI. The corrected EI shows that the permit limits were not exceeded. | 7/26/04                            | 9/24/04         | 8/4/04                  | D,F                |
| 73   | 30 T.A.C. § 335.10                                 | No generator of hazardous or Class 1 waste consigned to an off-site solid waste process, storage, or disposal facility within the United States shall cause, suffer, allow, or permit the shipment of hazardous waste or Class 1 waste unless a TCEQ manifest is prepared. | The facility offered Crude Cresol for transport without preparing an appropriate manifest. <sup>B</sup>   | On 6/24/04 the facility ceased shipping Crude Cresol to the Sabine River Works facility. On 11/17/04 INVISTA met with TCEQ to discuss whether this should be treated as a product or waste under RCRA and sent a follow-up letter on 1/7/05 formally requesting a determination from TCEQ.  | Identified through CAMS on 6/24/04 | 8/22/04         | 6/24/04<br>See Tab 18.B | E                  |

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| 73.1 | 30 T.A.C. § 335.69 (a)(1)(B); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 60, Subpart J – Tank Systems); 40 C.F.R. Part 265, Subpart J | A hazardous waste generator may accumulate hazardous waste on site for 90 days provided that the waste is placed in a tank and the generator complies with the integrity assessment and certification and inspection requirements of 40 C.F.R. Part 265, Subpart J. | On 1/21/05 INVISTA discovered that since the facility ceased shipping the cresol to the Sabine River Works facility as product, it has not managed the cresol storage per the 90-day tank rules under RCRA. <sup>A</sup> | The facility obtained a written assessment dated 1/28/05 and certified by a professional engineer stating that the tank is adequately designed and has sufficient structural strength and compatibility with the hazardous wastes stored therein. The facility also began conducting daily inspections on 1/28/05 and included the tank on its Notice of Registration on 1/31/05 thereby meeting the RCRA 90-day tank rules. | 1/21/05         | 3/22/05         | 1/31/05        | A,F                |

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| 74   | 30 T.A.C. §§ 335.2(a) and 335.6(g)   | No person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous waste unless such activity is authorized by a permit, amended permit, or other authorization from TCEQ. Any person who stores, processes, or disposes of industrial solid waste or municipal hazardous waste shall notify the executive director in writing of any activity of facility expansion not authorized by permit, at least 90 days prior to conducting such activity. | The facility received WFE tails mixed with cresol and/or MGN to be processed in the Nickel Recovery Unit (NRU). The facility is still investigation whether this material is hazardous waste and must first obtain a hazardous waste permit for treatment in the NRU. <sup>B</sup> | The facility ceased receiving this material and ceased operating the NRU. On 11/17/04 INVISTA met with TCEQ to discuss whether this should be treated as a product or waste under RCRA and sent a follow-up letter on 1/7/05 formally requesting a determination from TCEQ.  | Identified through CAMS on 6/24/04 | 8/22/04         | 6/29/04<br>See Tab 18.B | B,F                |
| 74.1 | 30 T.A.C. § 335.69 (a)(1)(B); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 60, Subpart J – Tank Systems); 40 C.F.R. Part 265, Subpart J | A hazardous waste generator may accumulate hazardous waste on site for 90 days provided that the waste is placed in a tank and the generator complies with the integrity assessment and certification and inspection requirements of 40 C.F.R. Part 265, Subpart J.   | On 1/21/05 INVISTA discovered that since the facility ceased shipping the cresol to the Sabine River Works facility as product, it has not managed the cresol storage per the 90-day tank rules under RCRA. <sup>B</sup>   | The facility obtained a written assessment dated 1/28/05 and certified by a professional engineer stating that the tank is adequately designed and has sufficient structural strength and compatibility with the hazardous wastes stored therein. The facility also began conducting daily inspections on 1/28/05 and included the tank on its Notice of Registration on 1/31/05 thereby meeting the RCRA 90-day tank rules. | 1/21/05                            | 3/22/05         | 1/31/05                 | A,F                |

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| <b>POTENTIAL EXCEPTIONS</b> |                                     |  |   |   |                 |                 |                |                     |
| 1                           | 30 T.A.C. Chapter 334, Subchapter F | State regulations have provisions for the operation of regulated aboveground storage tanks, including registration, certification, and recordkeeping and reporting requirements. | The facility has been operating under the State AST exemption for petrochemical facilities. The facility uses the NAICS code for All Other Basic Organic Manufacturing facilities, not the NAICS code for petrochemical facilities. | The facility determined that the exemption for "petrochemical" facilities applies to this facility because the definition of "petrochemical" used by TCEQ is broader than the NAICS code definition. Thus, no corrective action is required.                                | 7/15/04         | N/A             | N/A            | E                   |
| 2                           | 30 T.A.C. Chapter 334               | Underground storage tanks (USTs) must comply with the requirements of Chapter 334.   | An evaluation of aboveground tanks with large volumes of regulated substances contained in underground piping has not been performed to determine whether such tanks fall within the definition of UST.                             | Performed assessment of underground piping to determine if there are any USTs as a result. The facility determined that the subgrade sumps and other units described by the auditor fit within one of the exemptions in the 30 T.A.C. Chapter 334 rules. (See No. 3 below.) | 7/15/04         | 9/13/04         | 9/9/04         | E                   |

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| 3    | 30 T.A.C. Chapter 334   | Owners and operators of underground storage tanks (USTs) must comply with UST registration, certification, operating, construction, and leak detection requirements.   | The dump tank at OP15 in the C-12 process does not meet the requirements for USTs if the flow-through process tank or waste water collection system exemptions do not apply.   | On 9/9/04 the facility determined that the current use of the dump tank should qualify for one or more exemptions from the UST regulatory program as either a "flow-through process tank," a "wastewater treatment tank," or a "wastewater collection system." The facility sought confirmation from TCEQ that these exemptions apply. TCEQ responded on 12/7/04 that the "wastewater treatment tank" exemption would apply provided the dump tank is referenced in a permit as an integral part of the facility's wastewater treatment facility. However, the facility believes that the "process flow through" exemption (which requires no further action) also applies. On 2/25/05, the facility received a letter from TCEQ confirming that the dump tank does not contain a "regulated substance" and, therefore, is not regulated under TCEQ's UST regulations. | 9/9/04          | 11/8/04  | 9/9/04         | E                  |
| 4    | 30 T.A.C. § 116.111(a)(2)(D); TCEQ Air Permits No. 812 and 813; 40 C.F.R. Part 60, Subpart Db | In order to be granted a permit amendment, the applicant must include information which demonstrates that emissions from the facility meet New Source Performance Standards (NSPS). NSPS for Industrial Steam Generators modified after June 19, 1984 limit NOx, SOx and PM. | It was not definitively determined by the audit team that modifications described in the permit application for the APH and DPH submitted in October 1997 and incorporating a modification in 1994 by reference did not constitute a "modification" to the steam generating units as defined by 40 CFR 60 Subpart A that would subject boilers 1-4, 7, and 8 to the NSPS requirements of 40 CFR 60 Subpart Db. | This potential modification occurred prior to INVISTA's ownership. Nonetheless, INVISTA conducted a review of this issue in conjunction with the PSD audit. The auditor concluded that the changes to these boilers did not constitute modifications triggering NSPS Db.   | 7/27/04         | Per the 3/23/05 letter, extension requested until 5/31/05. | 5/3/05         | E                  |



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| 5    | 40 C.F.R. § 60.660, NSPS Subpart NNN                     | Federal regulations for distillation columns require notification once a source becomes subject to a New Source Performance Standard (NSPS), and semiannual reporting.                      | The facility installed a water wash recovery evaporator in Adipic Acid in 2000 which may be subject to NSPS Subpart NNN for distillation columns. If subject, the facility failed to notify TCEQ that NSPS was triggered for the distillation column and failed to submit semiannual Periodic Reports for the evaporator. | This installation occurred prior to INVISTA's ownership. In addition, upon further review, the facility determined that the evaporator is not a distillation column but recommended that regulatory guidance be sought. On 3/1/05, counsel for INVISTA sent a letter to TCEQ and EPA seeking confirmation that the water wash recovery evaporator is not a distillation column and is not subject to NSPS Subpart NNN. INVISTA received a response from EPA dated 8/29/05 indicating that EPA does not have sufficient information to determine whether the water wash recovery evaporator is subject to Subpart NNN and requesting additional information to make a final determination. On 11/16/05, INVISTA provide the requested information to EPA's 8/29/05 letter. | 7/27/04         | N/A             | 3/1/05<br>See Tab 18.B | E                  |
| 6    | TEX. WATER CODE § 26.121(a)(2)-(3); 30 T.A.C. § 335.4(1) | No person may discharge waste into or adjacent to any water in the State which in itself or in conjunction with any other discharge or activity causes pollution of any water in the State. | Equipment painting and surface preparation activities within 10 yards of the of the cooling water intake canal are a potential source of discharge (i.e. particulate matter or other materials) to waters of the state.   | The facility determined that this is not a violation of any requirement because there is no indication that the operational practices result in the endangerment of public health and welfare or otherwise cause pollution.   | 7/20/04         | N/A             | N/A                    | E                  |
| 7    | 40 C.F.R. Part 761                                       | Dielectric oil-filled switches and panels must be properly marked, managed and disposed under the PCB regulations.  | Numerous dielectric oil-filled switches and panels were observed at the facility and records were not readily available to demonstrate the presence and amount of PCBs in the dielectric oil.   | A formal procedure is in place and has been communicated to all area personnel for testing and of switches and panels when oil is removed. The testing will be kept on file to document the existing panels do not contain PCBs.  | 7/22/04         | 9/20/04         | 9/17/04                | B,F                |

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| <b>EXCEPTIONS SELF-IDENTIFIED TO AUDITOR ARISING OUTSIDE OF THE AUDIT</b>   |  |  |  |   |   |                 |                       |                    |
| 1   | TCEQ Air Permit No. 809; 30 T.A.C. § 116.110(a)  | A person must obtain a permit before beginning any actual work on a facility which may emit air contaminants into the air. | The facility's AOP NSR permit did not recognize the following emissions: 1. Nitrous Oxide released through the AOP main stack (EP No. 14 STK-001); 2. CO, VOC, SO2 and PM from the flare (EP No. 14STK-001A); and 3. Fugitive nitric oxide from the facility (EP No. 14FUG).   | The facility submitted a renewal application to TCEQ in March of 2003 in which it has sought to correct these emissions.  | SELF-IDENTIFIED March 2003; and reported to auditor on 7/26/04  | N/A             | Permit issued 8/12/04 | A,F                |
| 2   | TCEQ Air Permit No. 9560; 30 T.A.C. § 116.110(a) | A person must obtain a permit before beginning any actual work on a facility which may emit air contaminants into the air. | The facility's cogeneration unit air permit did not recognize the following emissions: 1. VOC from the combustion of natural gas (EP No. 12STK-001), distillate dumpster (EP No. 12CAD-001), routine maintenance (EP No. 12 STK-001); and Cogen fugitives (EP No. 12 FUG); and 2. CO, SO2 and PM from the combustion of natural gas for the cogeneration unit (EP No. 12 STK-001). | The facility submitted a renewal application to TCEQ in August of 2003 in which it has sought to correct these emissions. | SELF-IDENTIFIED August 2003; and reported to auditor on 7/26/04 | N/A             | Permit issued 8/12/04 | A,F                |
| <p><sup>A</sup> These findings arose as part of the implementation of the CAMS and were originally provided to the auditor during the audit.</p> <p><sup>B</sup> These findings arose as part of the implementation of the CAMS and were originally provided to the auditor during the audit.</p> <p><sup>C</sup> The facility requested and received an extension of the 60-day corrective action deadline to submit revised permit applications until October 15, 2004. The facility has also requested an extension until the permits are issued.</p> <p><sup>D</sup> The facility originally sought an extension of the 60-day corrective action deadline so that it could conduct an assessment of the heat exchange systems in both the C-12 and ADN areas. The further assessment confirmed that the C-12 unit is not subject to the HON requirements and the ADN heat exchangers are subject to the HON requirements.</p> |  |  |  |   |   |                 |                       |                    |

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**Focused HON Audit**  
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| <b>EXCEPTIONS</b> |   |  |   |  |                 |   |  |                    |
| 1                 | 40 C.F.R. § 63.100(b), 63.107(h), 63.151(e), 63.152(a)(2), 63.152(b), 63.152(c) | Previously Identified in Part (Tab 1.A, No. 26). The provisions of Subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified. | The nitrile stripper column (NSC) and the nickel recovery unit (NRU) are waste management units that were constructed in 1999, were started up in 2000, and operate as recovery devices for the adiponitrile (ADN) chemical manufacturing process unit. As such, they should be considered part of the ADN CMPU for HON applicability purposes. While the NSC has been included in the ADN CMPU for applicability purposes and the associated vent stream has been classified as a Group 1 vent, the NRU and its vent (EU 10RSY224) have not been included. The NSC is a waste management unit in that it treats a wastewater stream. The NRU is a waste management unit in that it treats a residual from the NSC. The NSC is a recovery device in that it recovers an organic liquid from the wastewater stream that is then burned in the facility's boilers for its fuel value. The NRU is a recovery device in that it recovers nickel for reuse and recovers organic chemicals that are burned in the boilers for their fuel value. (continued) | (1) The NRU and NSC have been shut down. The facility has determined that the NSC is a wastewater treatment unit and not a process unit under the HON. On 2/18/05, the facility submitted a letter to TCEQ requesting confirmation of regulatory status prior to re-starting the NSC. By letter dated 12/20/05, TCEQ confirmed that the NSC is a wastewater treatment unit. Because the facility does not currently plan to re-start the NRU anytime in the near future, issues related to that unit were not addressed in the 2/18/05 letter.<br>(2) The comprehensive stream identification process for the HON identified a Group 1 stream in the ADN unit that was previously identified as a Group 2 stream. The facility is continuing to evaluate appropriate compliance options for this stream. | 10/26/04        | 12/25/04<br>Both NSC and NRU have been shut down. Current extension request seeks until 8/31/06 to develop corrective measures for the Group 1 stream identified in the ADN unit. | (1) N/A<br>(2) Pending<br>See Tab 18.A | (1) E<br>(2) A, F  |

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| <b>EXCEPTIONS</b> |                           |  |   |  |                 |   |                |                    |
|                   |                           |  | Because the NRU is a recovery device associated with the ADN CMPU, it should be considered to be part of that CMPU per the definition of CMPU. The NRU has a condenser on its exhaust that meets the HON definition of a distillation unit. This distillation unit has a vent stream (EU 10 RSY224) that is controlled by a flare (EPN 10FLR005) that has been identified as a HON control device. For this vent stream, the site has not submitted the required implementation plan pursuant to § 63.151(e) and § 63.152(a)(2), a notification of compliance status pursuant to § 63.152(b), nor a periodic report pursuant to § 63.152(c). Facility staff indicated that they had already identified the vent stream for inclusion in the next semiannual report generated pursuant to § 63.152(c). |  |                 |   |                |                    |
| 2                 | 40 C.F.R. § 63.6(e)(3)(i) | Owners and operators must develop and implement a written startup, shutdown, and malfunction plan. | The SSM plan is missing the heat exchange system, maintenance wastewater, process vents (ADN portion is incomplete), tanks, transfer operations, and monitoring equipment. In addition, the existing plan does not clearly describe the procedures for operating and maintaining the source during periods of SSM, a program for corrective action for the malfunctioning process, and monitoring equipment used to comply with the relevant standard.  | New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete. | 10/27/04        | 12/26/04;<br>The facility requested an extension until 3/1/05 by letter dated 12/15/04. | 3/1/05         | A,F                |

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|-------------------|---|--|---|---|-----------------|---|---|--------------------|
| <b>EXCEPTIONS</b> |   |  |   |   |                 |   |   |                    |
| 2.1               | 40 C.F.R. §§ 63.107(a), and 63.133 thru 63.118                | Owners or operators must use the criteria specified in Section 63.107 to determine whether there are any process vents associated with an air oxidation reactor, distillation unit, or reactor that is a source subject to 40 C.F.R. Part 63, Subpart F. | During the preparation of the SSM plans, 7 process vents in the ADN Unit and 3 process vents in the C-12 Unit were newly identified. These process vents were not included in the NOCS and were not being managed as subject to the HON.  | The newly developed ADN Unit SSM Plan was revised to address the 7 newly discovered vents on 4/1/05, with the majority of ADN Operators having reviewed the Plan on or before 4/5/05. Any Operators who were not at work to review the revised ADN Unit SSM Plan prior to 4/5/05 did so when they first returned to work. As of 4/20/05, the 3 vents in the C-12 process were modified so that they no longer constitute process vents. | 1/5/05          | 3/6/2005;<br>By letter dated 2/25/05, the facility requested an extension until 4/5/05 to incorporate the 7 ADN vents into the SSMP and until 5/5/05 to make physical changes to the 3 C-12 vents during a scheduled unit shutdown. | 4/5/05 (ADN Vents);<br>4/20/05 (C-12 Vents) | A,F                |
| 3                 | 40 C.F.R. §§ 63.6(e)(3)(iii), 63.103(c)(2) and 63.10(d)(5)(i) | Owner or operator must maintain records to document that each event follows the SSM plan.  | Since 2002, the semi-annual deviation reports have not included each SSM event that occurred in the ADN area. For example, in the 5/14/2004 semi-annual report, Invista certified they were taking actions consistent with the SSM plan in place for tanks and transfer operations when it appears that the current plan did not address these sources. In addition, Invista reported that there were no SSM events in ADN and we found records that there were events but were not reported. | New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete.  | 10/27/04        | 12/26/04;<br>The facility requested an extension until 3/1/05 by letter dated 12/15/04.   | 3/1/05                                      | B,F                |

**INVISTA S.à r.l.**  
**Focused HON Audit**  
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| <b>EXCEPTIONS</b> |                               |  |   |  |                 |   |                |                    |
| 4                 | 40 C.F.R. § 63.6(e)(3)(viii)  | Revise the SSM plan as necessary and report in semi-annual deviation report.   | SSM rules changed in 2002. SSM plan has not been revised since 1997. When revised, it must be included in the next semi-annual report.                                    | New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete. | 10/27/04        | 12/26/04;<br>The facility requested an extension until 3/1/05 by letter dated 12/15/04. | 3/1/05         | D,F                |
| 5                 | 40 C.F.R. § 63.105 (b)(1)-(3) | Maintenance wastewater requirements. The facility must describe maintenance procedures for management of wastewater as part of the SSM Plan. | The required description of maintenance procedures for management of wastewater does not exist in the facility's SSM Plan.  | New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete. | 10/27/04        | 12/26/04;<br>The facility requested an extension until 3/1/05 by letter dated 12/15/04. | 3/1/05         | A,F                |
| 6                 | 40 C.F.R. § 63.103(e)         | The facility must document that a CMPU does not emit a HAP and thus is not subject to 63.100(b)(2).  | If a CMPU drops out of applicability because it does not emit a HAP (63.100(b)(2)), documentation must exist. This documentation does not exist for the Adipic Acid Unit. | The facility documented the nonapplicability of the HON for Adipic Acid Unit.  | 10/28/04        | 12/27/2004  | 12/21/04       | D,F                |

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| <b>EXCEPTIONS</b> |                          |  |  |   |                 |                 |                |                    |
| 7                 | 40 C.F.R. § 63.152(c)    | The facility must submit periodic reports under the HON.   | There was an error on the 5/14/04 periodic report under the HON. Flare EPN No. 07FLR004 was represented but not included on the Notification of Compliance Status (NOCS). Flare EPN No. 07FLR004 should have been identified as Flare EPN No. 07FLR005, which was identified in the NOCS.  | The facility submitted to TCEQ a letter correcting the report with the proper flare EPN No.                     | 10/28/04        | 12/27/2004      | 12/23/04       | C                  |
| 8                 | 40 C.F.R. § 63.147(d)(1) | For flares, records of the times and duration of all periods during which the pilot flame is absent shall be recorded. | The operator signed the flare log indicating that the pilot was present the entire day on 6/29/04 (flare 04FLR032). Electronic records indicate the pilot was out. In the process of dealing with the plant upset, the written flare log was not corrected. Plant flare log should be revised to meet the requirement of 63.147(d)(1). | The facility confirmed that flare logs meet HON requirements and conducted training on completion of such logs. | 12/1/04         | 1/30/2005       | 1/19/05        | C                  |

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| <b>EXCEPTIONS</b> |                                       |  |  |   |                 |                 |                |                    |
| 9                 | 40 C.F.R. § 63.100(e)(3)<br>63.160(a) | The HON LDAR program applies to equipment components (e.g. pumps, compressors, pressure relief devices, valves, connectors, etc.) that are intended to operate in organic HAP service 300 hours or more during the calendar year within a CMPU subject to the HON. | The caustic digesters downstream of the wiped film evaporator (WFE) produce an overhead stream that is condensed into a "benzene receiver" from which a water stream is sent on for further treatment, and a benzene-rich stream is sent to storage and ultimately sold. Some of the components are tagged for the benzene NESHAPS Subpart J LDAR program, indicating the presence of more than 10 wt. % benzene. Since benzene is a HAP, these components appear to be in greater than 5 wt. % HAP service and therefore subject to the HON LDAR program; however, these components have not been tagged as part of the HON LDAR program by the site. If these components were made part of the HON LDAR program, HON provisions provide that compliance with the HON also provides for compliance with applicable provisions of 40 C.F.R. § 61 including Subpart J. Therefore, including these components in the HON LDAR program could eliminate the reporting burden pursuant to the Subpart J LDAR program. | The facility retagged and monitored the components and updated the LDAR database. | 11/2/04         | 1/1/2005        | 12/28/04       | A,F,D              |



**INVISTA S.à r.l.**  
**Focused Emission Releases Audit**  
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| EXCEPTION |                          |   |  |  |                 |                 |                |                    |
| 1         | 30 T.A.C § 101.201(a)(1) | Report emissions events that exceed the Reportable Quantity threshold no later than 24 hours after the discovery. | The plant experienced an emissions event due to a power loss on 6/29/04. The event was not initially reported to STEERS until 7/3/04, exceeding the 24 hour requirement. | The facility updated its 301 Module to address reporting using STEERS and provided Emergency Directors refresher training. | 10/25/04        | 12/24/2004      | 12/20/04       | C                  |

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| <b>EXCEPTIONS</b> |  |  |   |   |                 |  |                |                    |
| 1                 | 40 C.F.R. Part 60, Subpart Kb; 40 C.F.R. §§ 60.113b, 60.115b and 60.116b | Each owner or operator of a storage vessel with a capacity greater than 40,000 gallons that is used to store a volatile organic liquid for which construction commenced after July 23, 1984 is subject to the control, inspection, notification, recordkeeping, and reporting requirements of NSPS Subpart Kb. | The "A" Waste Tank (18TFL027) in the C-12 Unit has a capacity greater than 40,000 gallons and was constructed after July 23, 1984 thus making it subject to NSPS Subpart Kb. Although the tank is equipped with an internal floating roof, the facility had not considered the tank to be subject to NSPS Subpart Kb. | The facility performed the inspections, notifications, recordkeeping, and reporting as required under NSPS Subpart Kb. The tank was taken off line on 5/17/05. On 5/20/05 notice was provided to TCEQ and EPA Region 6 of the facility's plans to empty the tank and refill it on or after 6/20/05. The facility emptied and re-filled the tank, and then had it inspected. Within 15 days after the tank was refilled, the facility provided a report to TCEQ and EPA Region 6 that describes the tank's control equipment and certifies that the control equipment meets the specifications of NSPS Kb. | 3/21/2005       | 5/20/05<br>By letter dated 5/12/05, extension requested until 7/31/05. | 7/29/05        | B,D,F              |
| 2                 | 40 C.F.R. Part 60, Subpart KKK; 40 C.F.R. §§ 60.632, 60.635 and 60.636   | Each owner or operator of an onshore natural gas processing plant is subject to a Leak Detection and Repair program.   | The ADN Unit Natural Gas Purification (NGP) plant cryogenically separates higher hydrocarbons from the incoming natural gas, producing a pure methane product for use in the HCN Unit. The facility had not considered this unit to be subject to NSPS Subpart KKK.   | The facility tagged and monitored components and populated its fugitive monitoring database. The facility also submitted the semiannual report to TCEQ and EPA Region 6 on 5/27/05.   | 3/31/05         | 5/30/05  | 5/27/05        | A,F,D              |

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| <b>EXCEPTIONS</b> |                                     |   |   |   |                 |  |                |                    |
| 3                 | 30 T.A.C. §§ 335.503(a)(1), 335.504 | Hazardous waste regulations require generators to evaluate their wastes using testing and/or process knowledge and to properly manage any wastes that are hazardous wastes due to characteristics and/or regulatory listings.       | The facility has not adequately evaluated that all wastes discharged as wastewater to the wood-lined wastewater conveyance systems are non-hazardous. | The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA. | 3/14/05         | 5/13/05<br>Extension request sought until 11/30/05 to develop corrective measures. | 9/30/05        | E                  |
| 4                 | 30 T.A.C. §§ 281.5, 305.48, 305.45  | The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit. | Materials resulting from cooling water system leaks have been discharged to the wood-lined wastewater conveyance system.                              | The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA. | 3/14/05         | 5/13/05<br>Extension request sought until 11/30/05 to develop corrective measures. | 9/30/05        | E                  |

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| <b>EXCEPTIONS</b> |   |   |   |  |                 |  |                         |                    |
| 5                 | 30 T.A.C. §§ 281.5, 305.48, 305.45                | The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit. | The facility has not identified the source of the wastewater flow for certain individual discharge points into the wood-lined wastewater conveyance system from facility operations.  | The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.  | 3/14/05         | 5/13/05<br>Extension request sought until 11/30/05 to develop corrective measures. | 9/30/05                 | E                  |
| 6                 | TCEQ Air Permit No. 7186, Special Condition No. 1 | The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."  | The Permit 7186 Maximum Allowable Emission Rate Table does not specify maximum allowable SO <sub>2</sub> emission rates for the following ADN flares despite the fact that operation of these flares results in SO <sub>2</sub> emissions: 10FLR-001, 10FLR-002, 10FLR-003, 10FLR-004, and 10FLR-005. | On 8/12/05, the facility submitted a permit by rule registration to TCEQ for authorization of the SO <sub>2</sub> emissions from the ADN flares and deemed this finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 9/22/05 requesting that the SO <sub>2</sub> emissions from the ADN flares be authorized under a permit amendment rather than a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 8/31/06. | 6/14/05         | 8/13/2005<br>Extension requested until permit issuance per letter dated 10/21/05.  | Pending<br>See Tab 18.A | A,F                |

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| <b>EXCEPTIONS</b> |                           |  |   |   |                 |   |                       |                    |
| 7                 | 30 T.A.C. § 116.116(b)(1) | A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. | In the 1990 application for Permit No. 809, the prior owner of the facility represented the following: "Final Tail Gas NOx Concentration 40 ppmv (Post Abater)" and "Tail Gas NH3 Concentration (Post Abater) 30 ppmv." Post abater NOx and NH3 emissions have exceeded 40 and 30 ppmv, respectively. | On 7/9/05 the facility shut down the AOP Unit to replace the NOx abater catalyst. Following the re-start of the AOP Unit on 7/15/05, NOx and NH3 emissions have generally remained below 40 and 30 ppm, respectively, except for occasional spikes above these units. On 8/31/05, the facility discussed with TCEQ the possibility of revising these permit application representations as part of the pending Permit 809 renewal process. TCEQ suggested that the permit application representation be revised through a permit amendment. The facility prepared and submitted a permit amendment application to TCEQ on 12/30/05. | 7/7/05          | 9/5/2005 Extension requested until permit issuance per letter dated 10/21/05. | 12/30/05 See Tab 18.B | B,D,F              |

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| <b>EXCEPTIONS</b> |  |  |  |  |                 |  |                      |                    |
| 8                 | TCEQ Air Permit No. 20011, General Condition No. 8 | The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."                             | Annual VOC emissions from the "A" Waste Tank (18TFL-027) as calculated in the 2004 Emissions Inventory exceed the maximum allowable emission rate in Permit No. 20011. | On 9/13/05, the facility requested an increase in the maximum allowable VOC emission rate for the "A" Waste Tank as part of the pending renewal of Permit No. 20011 by submitting revised calculations reflecting the proper throughput of the materials being stored. On 9/13/05, the facility also submitted a permit by rule registration to TCEQ for authorization of the increased emissions pending the issuance of the permit renewal and deemed the finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 10/6/05 requesting that the emissions from the "A" Waste Tank be increased as part of a permit amendment rather than a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 4/28/06. | 7/15/05         | 9/13/2005 Extension requested until permit issuance per letter dated 10/21/05. | Pending See Tab 18.A | A,F                |
| 9                 | 30 T.A.C. § 116.110(a)                             | Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. | The East and West RPF Tanks (11TFX051 and 11TFX052) were deleted from TCEQ Air Permit No. 7186 and thus do not currently have permit authorization.                    | On 9/16/05, the facility submitted a permit by rule registration to TCEQ for authorization of the East and West RPF Tanks. TCEQ approved the permit by rule registration by letter dated 10/12/05.   | 7/20/05         | 9/18/05  | 9/16/05              | D,F                |

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| <b>EXCEPTIONS</b> |  |  |   |  |                 |                 |                |                    |
| 10                | 40 C.F.R. Part 60, Subpart Kb; 40 C.F.R. §§ 60.113b, 60.115b and 60.116b | Each owner or operator of a storage vessel with a capacity greater than 40,000 gallons that is used to store a volatile organic liquid for which construction commenced after July 23, 1984 is subject to the control, inspection, notification, recordkeeping, and reporting requirements of NSPS Subpart Kb. | The Miscellaneous Purge Tank (10TFX053) has a capacity greater than 40,000 gallons and was constructed after July 23, 1984 thus making it subject to NSPS Subpart Kb. Although the tank is controlled by the ADN Operating Flare, the facility previously had not considered the tank to be subject to NSPS Subpart Kb. | The facility confirmed that the required records were being maintained and included the Miscellaneous Purge Tank in the Subpart Kb semiannual report, which was due on 7/30/05 and submitted on 7/29/05. | 7/20/05         | 9/18/05         | 7/29/05        | B,F                |

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| <b>EXCEPTIONS</b> |  |   |   |  |                 |  |                      |                    |
| 11                | 40 C.F.R. §§ 60.7(a)(4) and 60.665(l)  | Any owner or operator subject to 40 C.F.R. Part 60, Subpart NNN shall furnish the Administrator written notice of any physical or operational change to an existing facility which may result in an emissions increase. Additionally, each owner or operator that seeks to comply with the requirements of Subpart NNN by complying with § 60.662 shall submit semiannual reports to the Administrator.                   | The Step I BD Column (10DIS205) and Step II PN Flasher (10DIS244) were modified in 1994 and 1998, respectively, thus making them subject to NSPS Subpart NNN. Although both the Step I BD Column and Step II PN Flasher are controlled by the ADN Operating Flare, the notification required by § 60.7(a)(4) was not provided and neither the Step I BD Column nor the Step II PN Flasher have been addressed in the facility's Subpart NNN semiannual reports. | The modifications occurred prior to INVISTA's ownership. The Step I BD Column and Step II PN Flasher were included in Subpart NNN semiannual report due 7/30/05 and submitted on 7/28/05.  | 7/20/05         | N/A  | N/A                  | B,F                |
| 12                | 30 T.A.C. § 116.116(b)(1); TCEQ Air Permit No. 7186, Special Condition No. 1 | A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates." | During 2004, the Butadiene Flare (10FLR-004B) pilot operated for more hours than represented in the application for Permit 7186 (8,030 hours in 2004 vs. 7,622 hours represented in permit application). Additionally, the Permit 7186 Maximum Allowable Emission Rate Table does not specify maximum allowable SO <sub>2</sub> emission rates for the Butadiene Flare despite the fact that operation of the flare results in SO <sub>2</sub> emissions.       | On 8/12/05, the facility submitted a permit by rule registration to TCEQ to authorize operation of the Butadiene Flare pilot for up to 8,760 hours per year and for authorization of SO <sub>2</sub> emissions from the flare. The facility deemed this finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 9/22/05 requesting that the Butadiene Flare emissions be authorized under a permit amendment rather than a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 8/31/06. | 6/14/05         | 8/13/2005 Extension requested until permit issuance per letter dated 10/21/05. | Pending See Tab 18.A | A,F                |



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| <b>EXCEPTIONS</b> |   |   |   |   |                 |  |                         |                    |
| 13                | 30 T.A.C. § 116.116(b)(1);<br>TCEQ Air Permit No. 7186, Special Condition No. 1 | A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates." | The application for Permit 7186 failed to account for NOx, CO and SO2 emissions from the Ammonia Tank Flare (10FLR-004A) pilot. Additionally, the Permit 7186 Maximum Allowable Emission Rate Table does not specify maximum allowable SO2 emission rates for the Ammonia Tank Flare despite the fact that operation of the flare results in SO2 emissions. As a result, in 2004, NOx, CO and SO2 emissions from the Ammonia Tank Flare exceeded the limits in Permit 7186. | On 8/12/05, the facility submitted a permit by rule registration to TCEQ to authorize NOx, CO and SO2 emissions from the Ammonia Tank Flare pilot and SO2 emissions from the Ammonia Tank Flare. The facility deemed this finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 9/22/05 requesting that the Ammonia Tank Flare emissions be authorized under a permit amendment rather than under a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 8/31/06. | 7/6/05          | 9/4/2005<br>Extension requested until permit issuance per letter dated 10/21/05. | Pending<br>See Tab 18.A | A,F                |

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| <b>EXCEPTIONS</b> |  |   |  |   |                 |   |                         |                    |
| 14                | 30 T.A.C. § 116.116(b)(1); TCEQ Air Permit No. 7186, Special Condition No. 1 | A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates." | Emission calculations related to the mole sieve regeneration process that were included in the prior owner's application for Permit No. 7186 did not accurately correspond to the operations. By way of example, the calculations for emissions from the ADN Operating Flare during the refilling of the mole sieve after regeneration is complete appear to assume a continuous operation, not a periodic activity. As a result, those calculated emissions underestimate the hourly rate of butadiene that was historically vented to the flare. In all likelihood, past refilling practices resulted in emissions in excess of 1.03 lbs/hr of butadiene as represented in the permit amendment application. | The facility is performing ASPEN modeling of the ADN Unit and will submit an application to amend Permit No. 7186 by 8/31/06, as discussed with TCEQ. Representations regarding the mole sieve bed regeneration emissions will be corrected in this permit amendment application. Thus, the facility will seek an extension request until such time as the permit is amended. | 9/6/05          | 11/5/2005<br>Extension requested until permit issuance per letter dated 10/21/05. | Pending<br>See Tab 18.A | B,F                |

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|-------------------|--|---|--|---|-----------------|---|----------------------|--------------------|
| <b>EXCEPTIONS</b> |  |   |  |   |                 |   |                      |                    |
| 15                | 30 T.A.C. §§ 116.110(a), 116.116(b)(1) | Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. | As a result of the facility's ongoing review of its NSR permits, it has identified instances where information presented in permit applications by the prior owner (and thus authorized under the existing permits) does not accurately reflect facility operations. The facility's review of its NSR permits is ongoing and the facility may identify additional inconsistencies between the previously filed applications (and corresponding permits) and facility operations. | The facility is reviewing all of its NSR applications and permits. INVISTA met with TCEQ's Air Permits Division to discuss INVISTA's schedule to submit necessary permit amendments, two of which have been submitted and the last of which will be submitted by 10/31/06. Finally, to the extent that any noncompliance is associated with the permit application's failure to include routine startup and shutdown emissions, the facility has begun to and will continue to report startup and shutdown activities that are not covered by the permits as previously thought. Thus, the facility will seek an extension until such time as the NSR permits are amended based upon the schedule to be agreed with TCEQ. | 9/19/05         | 11/18/2005 Extension requested until permit issuance per letter dated 10/21/05. | Pending See Tab 18.A | B,D,F              |

## PSD Audit

**Voluntary Disclosures for Victoria, Texas**  
**Final Quarterly Report -- January 31, 2006**

| Item | Regulatory Citation  | Brief Description of Requirement  | Deficiency   | Corrective Action  | Date Discovered | 60-day Deadline   | Date Corrected          | Frequency/Duration |
|------|--|---|--|--|-----------------|---|-------------------------|--------------------|
| 1    | 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162                    | Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT"). | Prior to INVISTA's acquisition, during the 1993 to 1995 timeframe the facility made physical modifications to the ADN and Nitric Acid units and to the associated APH and DPH boilers. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.                                   | Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions. | 2/15/2005       | Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution. | Pending<br>See Tab 18.A | D,F                |
| 2    | 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162 | Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT"). | Prior to INVISTA's acquisition, during the 1998 to 1999 timeframe, the facility made physical modifications to the Cogeneration Unit Gas Turbines by replacing or modifying the first, second and third stage buckets. These changes resulted in an increase of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project. | Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions. | 2/15/2005       | Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution. | Pending<br>See Tab 18.A | D,F                |

INVISTA S.à r.l.

PSD Audit

Voluntary Disclosures for Victoria, Texas  
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TAB 13.E

| Item | Regulatory Citation   | Brief Description of Requirement  | Deficiency  | Corrective Action  | Date Discovered | 60-day Deadline   | Date Corrected          | Frequency/ Duration |
|------|---|---|---|--|-----------------|---|-------------------------|---------------------|
| 3    | 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162 | Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT"). | Prior to INVISTA's acquisition, during the 1996 to 2000 timeframe, the facility constructed a new Biotreatment plant and made physical modifications to the HMD, C12, ADN and Adipic Acid units and changed the method of operation of the associated Adipic and Diamine boilers. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project. | Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions. | 2/15/2005       | Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution. | Pending<br>See Tab 18.A | D,F                 |
| 4    | 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162 | Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT"). | Prior to INVISTA's acquisition, during the 1998 to 2000 timeframe, the facility made physical modifications to the C12 unit. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.  | Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions. | 2/15/2005       | Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution. | Pending<br>See Tab 18.A | D,F                 |

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PSD Audit

Voluntary Disclosures for Victoria, Texas  
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TAB 13.E

| Item | Regulatory Citation   | Brief Description of Requirement  | Deficiency   | Corrective Action  | Date Discovered | 60-day Deadline   | Date Corrected       | Frequency/Duration |
|------|---|---|--|--|-----------------|---|----------------------|--------------------|
| 5    | 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162 | Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT"). | Prior to INVISTA's acquisition, during the 1996 to 2001 timeframe, the facility made physical modifications to the HMD unit. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project. | Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions. | 2/15/2005       | Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution. | Pending See Tab 18.A | D,F                |

**INVISTA S.à r.l.**  
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**INVISTA VICTORIA FACILITY**

| Item | Citation                 | Brief Description of Requirement   | Finding  | Corrective Action  | Date of Finding | 60- Day Deadline | Date Corrected       | Frequency/ Duration |
|------|--------------------------|--|--|--|-----------------|------------------|----------------------|---------------------|
| 1    | 40<br>C.F.R. §<br>370.20 | EPCRA Section 312, also known as Tier II, requires covered facilities to submit annual inventories to state and local authorities of specified hazardous substances that are present on-site above reportable quantities (hereinafter "Tier II Requirements"). | Most oils in transformers were not reported on the Tier II report submitted in February 2004 for RY 2003.                              | This was corrected in the July 2004 submission for INVISTA.  | 8/24/04         | 10/23/04         | Previously corrected | D,F                 |
| 2    | 40<br>C.F.R. §<br>370.41 | Tier II Requirements   | The hazards identified in the Tier II reports were inconsistent with the hazards identified on MSDSs for 20% of the chemicals checked. | The facility will ensure consistency and document the reasons for any differences between the MSDSs and the Tier II Reports. | 8/24/04         | 10/23/04         | 10/22/04             | D,F                 |

**INVISTA S.à r.l.**  
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| Item | Citation  | Brief Description of Requirement   | Finding  | Corrective Action   | Date of Finding | 60- Day Deadline | Date Corrected | Frequency/ Duration |
|------|---|--|--|---|-----------------|------------------|----------------|---------------------|
| 3    | Tex. Health & Safety Code Chapter 370; 40 C.F.R. § 372.30 | EPCRA Section 313 requires facilities that have on-site in a calendar year amounts of materials above specified threshold quantities of listed hazardous substances to report annually on Form R the amounts of such chemicals that are released to air, water, land, underground injection, off-site disposal, and/or that are otherwise managed by methods specified in regulations (hereinafter "TRI/Form R Requirements"). | <p>The following deficiencies and/or discrepancies were noted regarding the facility's annual threshold determinations:</p> <p>(1) A Form R for sulfuric acid (aerosol) was unnecessarily submitted.</p> <p>(2) A Form R for the following chemicals may have been submitted unnecessarily: chromium compounds, zinc compounds, lead compounds, and mercury compounds.</p> <p>(3) Threshold determinations were not performed to identify any additional chemicals that require reporting.</p> | On October 22, 2004, the facility submitted revised Form R data to DuPont for resubmission as DuPont filed the previous report. | 8/24/04         | 10/23/04         | 10/22/04       | D,F                 |



**INVISTA S.à r.l.**  
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| Item | Citation   | Brief Description of Requirement | Finding  | Corrective Action   | Date of Finding | 60- Day Deadline | Date Corrected | Frequency/ Duration |
|------|--|----------------------------------|--|---|-----------------|------------------|----------------|---------------------|
| 4    | Tex. Health & Safety Code § 370.003; 40 C.F.R. § 372.30(a) | TRI/Form R Requirements          | Numerous deficiencies were noted regarding the facility's data reported in Part II of the Form R for 2003, including:<br>Incorrect uses for at least 18 compounds;<br>inaccurate codes for at least nine compounds;<br>inaccurate calculations for approximately 25 compounds;<br>two compounds combusted in boilers was not reported and combusted for energy recovery not reported;<br>backup documentation for certain activities, including control activities, was not provided;<br>releases from remediation efforts may not have been included;<br>production ratios not calculated on current year activities over prior year activities for all chemicals; actual ratio;<br>discharges of at least 16 compounds calculated inaccurately;<br>reporting related to treatment control regarding at least six compounds was inaccurate. | On October 22, 2004, revised Form R data was submitted to DuPont for resubmission as DuPont previously filed this report. | 8/24/04         | 10/22/04         | 10/22/04       | D,F                 |

**INVISTA S.à r.l.**  
**EPRCA Form R and TRI Data Quality Review**  
**Voluntary Disclosures for INVISTA's Facilities**  
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**INVISTA SABINE RIVER WORKS FACILITY**

| Item | Citation           | Brief Description of Requirement | Finding   | Corrective Action   | Date of Finding | 60-Day Deadline | Date Corrected | Frequency/Duration |
|------|--------------------|----------------------------------|---|---|-----------------|-----------------|----------------|--------------------|
| 1    | 40 C.F.R. § 372.30 | TRI/Form R Requirements          | <p>Approximately 27 deficiencies and/or discrepancies were noted regarding the facility's annual Form R reporting, including:</p> <ul style="list-style-type: none"> <li>• Failure to submit a Form R for chromium, and anadium compounds for which the quantity exceeded the applicable threshold level;</li> <li>• Incomplete reporting of activities and uses of copper compounds, aerosols, nickel compounds, nitrate compounds, phenol;</li> <li>• For at least six compounds, improper calculations of emissions and improper characterization of certain waste and recycle streams;</li> <li>• Failure to include at least eight chemicals in certain waste streams and failure to include UIC permit numbers;</li> <li>• Improper inclusion of benzene, cyclohexane, phenol, cresols and ammonia streams as wastes sent for recycling;</li> <li>• Miscalculations and inaccurate reporting of onsite quantities and releases and off-site transfers for at least five chemicals;</li> </ul> | The Form R report for the facility for RY 2003 was submitted by DuPont. The facility provided to DuPont on 10/4/04 a report identifying the required revisions to the Form R. | 8/5/04          | 10/4/04         | 10/4/04        | D,F                |

**INVISTA S.à r.l.**  
**EPRCA Form R and TRI Data Quality Review**  
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| Item | Citation   | Brief Description of Requirement | Finding   | Corrective Action   | Date of Finding | 60-Day Deadline | Date Corrected | Frequency/Duration |
|------|--|----------------------------------|---|---|-----------------|-----------------|----------------|--------------------|
|      |  |                                  | <ul style="list-style-type: none"> <li>The facility did not include treatment train or inaccurately identified treatment sequence for the same chemicals;</li> <li>Underground injection releases for at least 12 compounds may have been misreported; and</li> <li>Materials sent to adjacent inner incinerator may have been miscalculated.</li> </ul>  |   |                 |                 |                |                    |
| 2    | 40 C.F.R. § 370.21(c)(2)   | Tier II Requirements             | The facility brings in new materials, some of which are present at the facility in quantities exceeding the 10,000-pound threshold. While notification of these new materials is conducted on an annual basis (most recent notification was made July 30, 2004), notification, in some cases, doesn't occur within the required 90 days.  | The facility submitted a revision to its initial Tier II report to the SERC, the LEPC and the local fire department on 10/4/04. | 8/5/04          | 10/4/04         | 10/4/04        | D,F                |
| 3    | 40 C.F.R. § 370.25(a) and (b); Texas Tier II Reporting Forms and Instructions, page 19 | Tier II Requirements             | <p>The Tier II form submitted by the facility contained several deficiencies and discrepancies:</p> <ul style="list-style-type: none"> <li>The facility does not account for "small" quantities of materials;</li> <li>The facility did not include aerosol in its input;</li> <li>Failure to include chemicals that exceeded the applicable threshold quantity, and two non-hazardous wastes that exceeded the applicable threshold quantities;</li> <li>Improper name used for</li> </ul> | The facility submitted a revision to the initial Tier II report to the SERC, the LEPC and the local fire department on 10/4/04. | 8/11/04         | 10/10/04        | 10/4/04        | D,F                |

**INVISTA S.à r.l.**  
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|------|--------------------|----------------------------------|---|---|-----------------|-----------------|----------------|--------------------|
|      |                    |                                  | adiponitrile chemical;<br>• Failure to indicate that an EHS is present in two materials;<br>• Failure to include one or more hazardous categories for four chemicals;<br>• Improper reporting of a nitric acid chemical as pure instead of as a mixture; and<br>• Possible misreporting of maximum and average onsite quantities for at least four chemicals. |   |                 |                 |                |                    |
| 4    | 40 C.F.R. § 370.25 | Tier II Requirements             | Certain Tier II report entries were not supported by the process area documentation, and the facility did not include one chemical in its Tier II report that may exceed the reporting threshold.   | The facility submitted a revision to its initial Tier II report that addressed these observations to the SERC, LEPC and local fire department on 10/4/04. | 8/11/04         | 10/10/04        | 10/04/04       | D,F                |

**INVISTA S.à r.l.**  
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**INVISTA LA PORTE FACILITY**

| Item | Citation           | Brief Description of Requirement | Finding   | Corrective Action  | Date of Finding | 60-Day Deadline | Date Corrected                | Frequency/Duration |
|------|--------------------|----------------------------------|---|--|-----------------|-----------------|-------------------------------|--------------------|
| 1    | 40 C.F.R. § 370.41 | Tier II Requirements             | <p>Hazards as identified on the Tier II reports were inconsistent with hazards as identified on MSDSs for 30% of the chemicals checked, including:</p> <ul style="list-style-type: none"> <li>• Cupric carbonate</li> <li>• Dewatered copper catalyst</li> <li>• Diatomaceous earth</li> <li>• Ethylene glycol</li> <li>• LRD35 -- THF mixture</li> <li>• Nafion NR 50</li> <li>• Nitrogen</li> <li>• Recycle THF</li> <li>• Rice hull ash</li> <li>• Sodium hydroxide</li> <li>• Sodium hypochlorite</li> <li>• Terathane</li> <li>• Ucon Oil 50 HB 660</li> </ul> | The facility rectified some of these omissions in their July 2004 Tier II submission for INVISTA operations or documented why they did not. The remaining were rectified in its October 26, 2004 submission. | 8/25            | 10/24           | Previously corrected or 10/26 | D,F                |
| 2    | 40 C.F.R. § 372.30 | TRI/Form R Requirements          | <p>Numerous deficiencies regarding at least 13 chemicals were noted regarding the facility's data reported, including:</p> <ul style="list-style-type: none"> <li>• Inaccurate identification of uses, not including certain chemicals from certain activities or not including certain activities;</li> <li>• Basing emissions on erroneous measures;</li> <li>• Failure to submit a Form</li> </ul>   | The facility submitted revised Form R data to DuPont on 10/29 so that DuPont can revise its submission to TCEQ.  | 8/31            | 10/29           | 10/29                         | D,F                |

**INVISTA S.à r.l.**  
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| Item | Citation | Brief Description of Requirement | Finding  | Corrective Action | Date of Finding | 60-Day Deadline | Date Corrected | Frequency/Duration |
|------|----------|----------------------------------|--|-------------------|-----------------|-----------------|----------------|--------------------|
|      |          |                                  | R for ammonia <ul style="list-style-type: none"><li>Failing to report treatment or inaccurately reporting treatment controls</li></ul> |                   |                 |                 |                |                    |

**INVISTA S.à r.l.**  
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**INVISTA SEAFORD FACILITY**

| Item | Regulatory Citation | Brief Description of Requirement | Deficiency  | Corrective Action                                | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|---------------------|----------------------------------|---|--|-----------------|-----------------|-----------------|--------------------|
| 1    | EPCRA Section 312   | Tier II Requirements             | The facility has not included Coal Ash, Nylon 6,6 flake, HCFC-22, and HCFC-123 on its Tier II report.   | The facility submitted a revised Tier II report. | 9/30/04         | 11/29/04        | 11/29/04        | D,F                |
| 2    | EPCRA Section 313   | TRI/Form R Requirements          | <p>The facility's Form R for 2003 had numerous deficiencies related to over-and under-reporting certain constituents such as antimony, chromium, lead compounds, etc., and other problems, including:</p> <ul style="list-style-type: none"> <li>• Inconsistent mailing address and did not use all available inventory data</li> <li>• May not have accounted for ammonia manufactured in vapor phase</li> <li>• Antimony and chromium was underreported</li> <li>• HCL (aerosol) and sulfuric acid (aerosol) over-reported</li> <li>• Coal pile fugitives and vehicle emissions not accounted for</li> <li>• Sulfuric acid from combustion of No. 2 fuel oil not accounted for</li> <li>• Nitrate compounds releases underestimated</li> <li>• Two control devices for lead and mercury compounds and dioxins not listed</li> <li>• Sodium nitrate treated on-site over-reported</li> </ul> <p>Previous year data for dioxins and mercury compounds reported incorrectly [withdrawn 11/14/04]</p> | The facility submitted revised Form R reports.   | 10/1/04         | 11/30/04        | 11/29/04        | D,F                |

**INVISTA S.à r.l.**  
**EPCRA Form R and TRI Data Quality Review**  
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| Item | Regulatory Citation | Brief Description of Requirement | Deficiency   | Corrective Action                                | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|---------------------|----------------------------------|--|--|-----------------|-----------------|-----------------|--------------------|
| 3    | EPCRA Section 312   | Tier II Requirements             | <p>Additional deficiencies to the previously filed Tier II Report were identified:</p> <ul style="list-style-type: none"> <li>• Lubricating, transformer and used oils not included</li> <li>• Material and hazard information for approximately 30 hazardous substances was incorrectly reported</li> <li>• Minor administrative information was incorrect</li> <li>• Gasoline storage was incorrect</li> <li>• Fuel oil No.2 quantities at three pump stations were not listed, and certain Fuel Oil No.2 quantities were under-estimated</li> <li>• Forklift and walkie battery locations were not listed</li> <li>• Facility over-reported the number of potassium hydroxide tanks</li> <li>• Maximum and average quantities of four hazardous substances were incorrectly reported</li> </ul> | The facility submitted a revised Tier II report. | 11/14/04        | 01/13/05        | 11/29/04        | D,F                |
| 4    | EPCRA Section 313   | TRI/Form R Requirements          | <p>Additional deficiencies to the previously filed TRI/Form R were identified:</p> <ul style="list-style-type: none"> <li>• Facility did not report correct uses and activities for dioxin and nitrate compounds</li> <li>• Incorrect discharge information for antimony and chromium compounds</li> <li>• Over-reported hydrofluoric acid</li> <li>• Waste treatment methods and efficiency not reported for five sets of compounds in five different operational areas</li> <li>• Fugitive air emissions for nine chemical groups should have been</li> </ul>  | The facility submitted a revised Tier II report. | 11/14/04        | 1/13/05         | 11/29/04        | D,F                |



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|------|---------------------|----------------------------------|---|-------------------|-----------------|-----------------|-----------------|--------------------|
|      |                     |                                  | <p>reported as zero instead of "N/A"</p> <ul style="list-style-type: none"> <li>Stack emissions for seven chemicals and/or compound groups under-and over-reported</li> <li>Incorrectly reported releases to streams or water bodies, landfill, surface impoundments, other disposal as "N/A" for eight or more chemicals and/or compound groups</li> <li>Waste transfer information for four compound groups incorrect</li> <li>Incorrect codes for certain chemicals</li> <li>Maximum quantities of certain hazardous substances under-reported</li> <li>Control devices for six substances not listed</li> <li>Stack emissions for mercury underestimated</li> </ul> |                   |                 |                 |                 |                    |

**INVISTA S.à r.l.**  
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**INVISTA WAYNESBORO FACILITY**

| Item | Regulatory Citation | Brief Description of Requirement | Deficiency  | Corrective Action                                | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|---------------------|----------------------------------|---|--|-----------------|-----------------|-----------------|--------------------|
| 1    | EPCRA Section 312   | Tier II Requirements             | The facility had not included, LRD-1, LRD-59, Methacrol 2390XF, Calcium stearate, Transformer oil, Coal ash, HCFC-123, and HFC-134a on its Tier II report, deleted the entries for lead and sulfuric acid and incorrectly reported these as "lead batteries," and incorrectly reported the presence of LRD-22 as greater than 10,000 pounds present at any one time. [Note: LY-19, LY-16, LY-14 were included in this deficiency in the 1st quarterly report; subsequently, these substances were withdrawn from this finding by the auditor on 11/24/04, as these materials had previously been reported within the "silicone oils" entry on Tier II.] | The facility submitted a revised Tier II report. | 9/30/04         | 11/29/04        | 11/29/04        | D,F                |
| 2    | EPCRA Section 312   | Tier II Requirements             | Material and hazard information incorrectly reported for Fuel oil #6, Fuel oil #2, Diesel fuel, Gasoline, Coal, Methacrol 2390D, Methacrol 2462B, Terathane, Titanium Dioxide, Potassium hydroxide, and Sodium hydroxide.   | The facility submitted a revised Tier II report. | 9/30/2004       | 11/29/2004      | 11/29/04        | D,F                |
| 3    | EPCRA Section 312   | Tier II Requirements             | The facility did not submit a Tier II report for propane for the WNI Fiber operations.  | The facility submitted a revised Tier II report. | 10/4/04         | 12/03/04        | 11/29/04        | D,F                |
| 4    | EPCRA Section 312   | Tier II Requirements             | The facility did not submit a Tier II report for heating oil or mercury compounds and has miscalculated other compounds quantities on-site or emissions for PACs, Benzo(g,h,i)pyrene, lead compounds,   | The facility submitted a revised Tier II report. | 10/5/04         | 12/04/04        | 11/29/04        | D,F                |

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|------|-------------------------|---|--|--|-----------------|-----------------|--|--------------------|
|      |                         |   | dioxin, sulfuric acid, hydrochloric acid (aerosol) for its Baugher Farm operations.  |  |                 |                 |  |                    |
| 5    | EPCRA Section 312       | Tier II Requirements  | Did not report all activities and uses for PACs, Benzo(g,h,i)perylene, and Lead Compounds for Baugher Farm operations.   | The facility submitted a revised Tier II report.   | 10/01/04        | 11/30/04        | 11/29/04   | D,F                |
| 6    | EPCRA Section 312       | Tier II Requirements  | Additional waste treatment methods should be reported for Sodium Nitrite and Nitrate Compounds for Baugher Farm operations.  | The facility submitted a revised Tier II report.   | 10/5/04         | 12/4/04         | 11/29/04   | D,F                |
| 7    | EPCRA Section 312       | Tier II Requirements  | Perchloroethylene and Betz IS 2015 were incorrectly reported as present above 10,000 pounds.   | The facility submitted a revised Tier II report.   | 11/24/04        | 1/23/05         | 11/29/04   | D,F                |
| 8    | EPCRA Section 313       | TRI/Form R Requirements   | Additional deficiencies in previously filed TRI Form R identified: <ul style="list-style-type: none"> <li>Fugitive emissions for five substances incorrectly reported</li> <li>Stack air emissions for two substances incorrectly reported</li> <li>Discharges of three substances reported as "N/A" rather than zero</li> <li>Underestimated quantity of hydrochloric acid treated</li> </ul> | The facility submitted revised Form R reports.   | 11/24/04        | 1/23/05         | 11/29/04   | D,F                |
| 9    | 40 C.F.R. Section 302.8 | The facility emits NO and NO2 above reportable quantities and these emissions qualify for continuous release reporting under 40 C.F.R. § 302.8. | NOx emissions exceed RQ; Facility air permit does not contain a NOx limit; not a federally permitted release and only NO (not NO2) was subject to a previously submitted continuous release report (CRR).  | The facility submitted a verbal Continuous Release Report for NO2 emissions on 1/27/05 and submitted a written report updating the | 12/29/04        | 2/27/05         | 1.<br>1/27/05 (verbal)<br>2.<br>2/16/05 (Written follow-up report) | 1. D,F<br>2. D,F   |

**INVISTA S.à r.l.**  
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| Item | Regulatory Citation | Brief Description of Requirement | Deficiency | Corrective Action   | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|---------------------|----------------------------------|------------|---|-----------------|-----------------|-----------------|--------------------|
|      |                     |                                  |            | previously filed continuous release report for NO to include NO2. |                 |                 |                 |                    |

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**INVISTA CHATTANOOGA FACILITY**

| Item | Regulatory Citation   | Brief Description of Requirement | Deficiency  | Corrective Action                                | Date of Finding | 60-Day Deadline | Date Corrected | Frequency/Duration |
|------|-----------------------|----------------------------------|---|--|-----------------|-----------------|----------------|--------------------|
| 1    | 40 C.F.R. Section 312 | Tier II Requirements             | The facility has not included Univolt 60 transformer oil, HCFC-123, HCFC-134a, Nylon 66 salt, Nylon chips, sodium hypochlorite, Liquid 322 lubricating oil, coal ash, K4371, K5613, K6744, K9189, and K9490 present over threshold on its Tier II report. | The facility submitted a revised Tier II report. | 10/14/04        | 12/13/04        | 12/13/04       | D,F                |
| 2    | EPCRA Section 312     | Tier II Requirements             | Hazard information incorrectly reported for coal, gasoline, tetrachloroethylene, and sodium hydroxide.  | The facility submitted a revised Tier II report. | 10/14/04        | 12/13/04        | 12/13/04       | D,F                |
| 3    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | The facility erroneously included some materials and over estimated certain emissions or underestimated releases for Biphenyl, Lead Compounds, Dioxin, hydrochloric acid and Phenol and reported efficiency of wastewater treatment units incorrectly.    | The facility submitted revised Form R reports.   | 10/14/04        | 12/13/04        | 12/13/04       | D,F                |
| 4    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Releases to land through spills and off-site shipment of waste for recycling not reported for Biphenyl.   | The facility submitted revised Form R reports.   | 10/14/04        | 12/13/04        | 12/13/04       | D,F                |
| 5    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Exceeded threshold for ammonia, but failed to submit Form R and reported for 1, 2, 4 trimethylbenzene and Tetrachloroethylene when thresholds not exceeded.   | The facility submitted revised Form R reports.   | 10/14/04        | 12/13/04        | 12/13/04       | D,F                |
| 6    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Off-site shipment of mercury, compounds and dioxin reported as waste and not byproduct and did not  | The facility submitted revised Form R reports.   | 10/14/04        | 12/13/04        | 12/13/04       | D,F                |

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| Item | Regulatory Citation | Brief Description of Requirement  | Deficiency  | Corrective Action   | Date of Finding | 60-Day Deadline                           | Date Corrected                         | Frequency/Duration |
|------|---------------------|---|---|---|-----------------|---|--|--------------------|
|      |                     |   | indicate mercury manufactured as byproduct.   |   |                 |   |  |                    |
| 7    | 40 C.F.R. 302.8     | The facility emits NO and NO2 above reportable quantities and these emissions qualify for continuous release reporting under 40 C.F.R. § 302.8. | The facility had not filed a continuous release report initial notification for NOX (NO, NO2) and emissions of NOX in 2003 exceeded the RQ. | The facility submitted verbal and written continuous release reports. | 11/05/04        | 1/04/05 for verbal<br>2/03/05 for written | 12/16/04 (verbal)<br>1/07/05 (written) | D,F                |
| 8    | 40 C.F.R. 312       | Tier II Requirements  | Incorrect reporting of Dowtherm as both "mixture" and "pure" chemical.  | The facility submitted a revised Tier II report.                      | 12/08/04        | 2/02/05                                   | 12/13/04                               | D,F                |

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**INVISTA CAMDEN FACILITY**

| Item | Regulatory Citation   | Brief Description of Requirement | Deficiency  | Corrective Action                                | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|-----------------------|----------------------------------|---|--|-----------------|-----------------|-----------------|--------------------|
| 1    | 40 C.F.R. Section 312 | Tier II Requirements             | The facility has not included Sulfuric acid, SUVA 134a, Lithium bromide, hydraulic oil, lube/ motor oil, power transmission oil, used oil, Nylon BCF yarn, 6-6 Nylon chips on its RY 2003 Tier II report. In RY 2003 they were present above the reporting threshold. | The facility submitted a revised Tier II report. | 10/14/04        | 12/13/04        | 12/13/04        | D,F                |
| 2    | 40 C.F.R. Section 312 | Tier II Requirements             | The facility did not appropriately calculate and report the average daily onsite quantity of most chemicals reported.   | The facility submitted a revised Tier II report. | 10/14/04        | 12/13/04        | 12/13/04        | D,F                |
| 3    | 40 C.F.R. Section 312 | Tier II Requirements             | A storage location was omitted from the Tier II report for Nylon 66 salt, phosphoric acid and sodium hydroxide.   | The facility submitted a revised Tier II report. | 10/14/04        | 12/13/04        | 12/13/04        | D,F                |
| 4    | 40 C.F.R. Section 312 | Tier II Requirements             | The health hazards reported on the Tier II are not consistent with the supporting MSDS documentation for Nylon 66 salt, phosphoric acid and sodium hydroxide.   | The facility submitted a revised Tier II report. | 10/14/04        | 12/13/04        | 12/13/04        | D,F                |
| 5    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Reporting of chemicals present in ash sent to cement plant should be deleted.   | The facility submitted revised Form R reports.   | 10/14/04        | 12/13/04        | 12/13/04        | D,F                |
| 6    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Activity threshold exceeded for manganese and Form R report not submitted.  | The facility submitted revised Form R reports.   | 10/21/04        | 12/20/04        | 12/13/04        | D,F                |
| 7    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Reporting of the following chemicals was inaccurate because not all activity uses properly identified, subsequent emissions from on-site vehicles not taken into account, releases or emissions are   | The facility submitted revised Form R reports.   | 10/21/04        | 12/20/04        | 12/13/04        | D,F                |

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| Item | Regulatory Citation   | Brief Description of Requirement | Deficiency  | Corrective Action                              | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|-----------------------|----------------------------------|---|--|-----------------|-----------------|-----------------|--------------------|
|      |                       |                                  | possible, emission releases were miscalculated, or were not considered for ammonia, benzo(g,h,i)perylene, biphenyl, lead compounds, chlorine, dioxin and dioxin-like compounds, mercury compounds, nitrate compounds, PACs, sodium nitrite<br>Benzo(g,h,i)perylene, biphenyl, chlorine, dioxin and dioxin-like compounds, PACs, Hydrochloric acid (aerosol), sulfuric acid, lead compounds, sulfuric acid and possibly for other compounds. |  |                 |                 |                 |                    |
| 8    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | The RCRA ID number for the off-site location of biphenyl is improperly identified.  | The facility submitted revised Form R reports. | 10/21/04        | 12/20/04        | 12/13/04        | D,F                |
| 9    | 40 C.F.R. Section 313 | TRI/Form R Requirements          | One or more entries in Section 7A was not appropriate based on available data or a treatment sequence for a waste stream ( <i>i.e.</i> , wastewater treatment for mercury compounds, flue gas for others) containing the chemicals was omitted.   | The facility submitted revised Form R reports. | 10/21/04        | 12/20/04        | 12/13/04        | D,F                |
| 10   | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Reporting numerical value for lead compounds and ammonia not appropriate, because treatment is not possible.  | The facility submitted revised Form R reports. | 10/21/04        | 12/20/04        | 12/13/04        | D,F                |
| 11   | 40 C.F.R. Section 313 | TRI/Form R Requirements          | Reporting was inadvertently omitted for Part II, Section 8.10 for ammonia benzo(g,h,i)perylene, chlorine, dioxin, and dioxin-like compounds, hydrochloric acid, lead compounds, mercury compounds,  | The facility submitted revised Form R reports. | 10/21/04        | 12/20/04        | 12/13/04        | D,F                |



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| Item | Regulatory Citation     | Brief Description of Requirement | Deficiency  | Corrective Action  | Date of Finding | 60-Day Deadline | Dated Corrected                                 | Frequency/Duration |
|------|-------------------------|----------------------------------|---|--|-----------------|-----------------|---|--------------------|
|      |                         |                                  | nitrate compounds, PACs, sodium nitrate and sulfuric acid.  |  |                 |                 |   |                    |
| 12   | 40 C.F.R. Section 312   | Tier II Requirements             | Additional discrepancies in previously filed Tier II report: <ul style="list-style-type: none"> <li>Failed to include coal ash</li> <li>Quantities and/or onsite maximum container size for five substances erroneously calculated</li> <li>Discrepancy between reported and MSDS hazards for one hazardous substances</li> </ul> | The facility submitted a revised Tier II report.   | 11/4/04         | 1/03/05         | 12/13/04  | D,F                |
| 13   | 40 C.F.R. Section 313   | TRI/Form R Requirements          | <ul style="list-style-type: none"> <li>Entries for two hazardous substances not appropriate based on available data for water, air treatment</li> <li>Omitted a waste treatment sequence for two sets of compounds</li> <li>Overestimated treatment quantity of chlorine</li> </ul>   | The facility submitted revised Form R reports.   | 11/04/04        | 1/03/05         | 12/13/04  | D,F                |
| 14   | 40 C.F.R. Section 302.8 | Continuous Release Report        | A previously filed continuous release report for NOx was subject to permit limits for only a portion of the year (ozone season) and emissions at other times of the year exceeded the RQ.   | The facility updated the previously submitted continuous release report for NOx with current NOx emission information. | 12/19/04        | 2/18/05         | 1/27/05 (verbal)<br>2/16/05 (written follow up) | D,F                |

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**INVISTA ATHENS, GEORGIA FACILITY**

| Item | Regulatory Citation     | Brief Description of Requirement | Deficiency   | Corrective Action  | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|-------------------------|----------------------------------|--|--|-----------------|-----------------|-----------------|--------------------|
| 1    | EPCRA Sections 311, 312 | Tier II Requirements             | Fuel Oil No. 2 and sulfuric acid were present on-site above reporting threshold, but no Section 311 notification had been made and no Tier II report had been filed. | The facility submitted a Section 311 notification and a Tier II report | 11/26/04        | 1/25/05         | 12/13/04        | D,F                |

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**FORMER INVISTA KINSTON FACILITY (SOLD ON 9/30/04)**

| Item | Regulatory Citation | Brief Description of Requirement | Deficiency  | Corrective Action  | Date of Finding | 60-Day Deadline | Dated Corrected | Frequency/Duration |
|------|---------------------|----------------------------------|---|--|-----------------|-----------------|-----------------|--------------------|
| 1    | EPCRA Section 312   | Tier II Requirements             | The facility failed to report or incorrectly reported certain information for 24 hazardous substances in its RY 2003 Tier II Report.  | The facility completed and submitted a corrected Tier II Report.   | 11/15/04        | 1/14/05         | 12/15/04        | D,F                |
| 2    | EPCRA Section 313   | TRI/Form R Requirements          | The facility failed to report correct distribution data, uses and activities, quantities, waste treatment methods and efficiencies for certain hazardous substances, and over- and under-reported certain substances' fugitive and stack air emissions as well as discharge, on-site and amount of materials treated quantities for certain substances. | The facility completed and submitted corrected TRI/Form R Reports. | 11/14/04        | 1/13/05         | 12/15/04        | D,F                |

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**EXCEPTIONS FOR KINSTON**

| Item | Regulatory Citation                   | Brief Description of Requirement   | Deficiency  | Corrective Action   | Date Discovered | 60-Day Deadline                          | Date Closed | Frequency/Duration |
|------|---------------------------------------|--|---|---|-----------------|--|-------------|--------------------|
| 1    | 40 C.F.R. § 122.26, 15A NCAC 02H.0100 | Discharges of storm water associated with industrial activity must be covered by either an individual NPDES permit or a promulgated general storm water permit.  | The NPDES permit needs modification to address storm water discharges.*   | An application for an NPDES permit modification to address storm water discharges and other matters was completed and filed with NCDENR on 9/29/04.   | 7/9/04          | 9/7/04 extension granted until 10/15/04  | 9/29/04     | B,F                |
| 2    | 15A NCAC 2C.0200                      | A permit is required before constructing, operating or using a well for injection.   | The facility needs a Class V well permit for the French drains used to discharge condensate from the steam lines.*  | INVISTA completed facility modifications that re-routed steam condensate lines and eliminated the subsurface discharges, in lieu of seeking a permit.   | 7/20/04         | 9/18/04 extension granted until 10/31/04 | 10/21/04    | B,F                |
| 3    | 40 C.F.R. § 262.34, 15A NCAC 13A.0107 | A generator of hazardous waste may accumulate hazardous waste on-site for no more than 90 days in containers that are labeled as hazardous waste and dated. If accumulated longer than 90 days, the generator will be subject to the requirements for a Treatment, Storage, and Disposal facility under 40 C.F.R. Parts 264 and 270. | The Facility's hazardous waste handling practice regarding labeling and dating of drums of waste results in drums in both the accumulation areas and the storage area as being improperly labeled. In the facility's 90-day hazardous waste accumulation area, there were 2 drums dated longer than 90 days ago, 1 unlabeled drum with material in it, and 2 drums that were not dated. | The drums dated over 90 days and the drums without dates were non-hazardous, but the labels were partially removed. The unlabelled drum contained hazardous waste and was subsequently labeled. | 7/9/04          | 9/7/04                                   | 7/10/04     | B,F                |
| 4    | 40 C.F.R. Part 112.5(b)-(c),          | A Spill Prevention, Control and Countermeasures (SPCC) Plan must be reviewed and evaluated every 5 years, and updated, if necessary, within 6 months of the review. The revised plan must be certified by a professional engineer.   | The facility's SPCC Plan has not been updated and certified by a professional engineer within the required 3-year period and is missing certain required elements.*   | The SPCC Plan has been updated and revised to include the required elements and was certified by a professional engineer on 9/29/04.  | 7/9/04          | 9/7/04 extension granted until 10/15/04  | 9/29/04     | A,D,F              |
| 5    | 40 C.F.R. Part 112.20(a),             | A Facility Response Plan (FRAP) must be submitted to the Regional Administrator if the facility is a "non-transportation onshore facility, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or                             | The review of the SPCC compliance status as part of the SPCC Plan update identified a FRAP that did not contain all required elements and may not have been filed with EPA or fully implemented in accordance with applicable requirements.   | A draft Facility Response Plan was prepared filed with EPA on 10/15/04.   | 8/6/04          | 10/5/04 extension granted until 10/15/04 | 10/15/04    | A,D,F              |

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|------------------------|---------------------|----------------------------------|------------|-------------------|-----------------|-----------------|-------------|--------------------|
| Item                   | Regulatory Citation | Brief Description of Requirement | Deficiency | Corrective Action | Date Discovered | 60-Day Deadline | Date Closed | Frequency/Duration |
|                        |                     | adjoining shoreline.”            |            |                   |                 |                 |             |                    |

\* The matters disclosed herein that are noted with an asterisk (the lack of a permit for storm water discharges; the lack of a Class V well permit, the non-compliant SPCC Plan and potential secondary containment issues) were identified by INVISTA as potential compliance issues during its own due diligence conducted prior to its acquisition of the Kinston facility from DuPont. INVISTA discovered on June 25, 2004 that these violations had not been remedied. As a result of these findings, INVISTA decided to conduct a third party compliance audit described herein prior to its sale of the facility (which occurred on September 30, 2004).

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|------------------------|----------------------|--|--|---|-----------------|---|--|--------------------|
| Item                   | Regulatory Citation  | Brief Description of Requirement   | Deficiency   | Corrective Action   | Date Discovered | 60-Day Deadline   | Date Closed  | Frequency/Duration |
| 6                      | 40 C.F.R. § 112.7(c) | Covered facilities are required to have secondary containment for all oil storage areas and areas of operation at which an oil discharge subject to the Clean Water Act could potentially occur. | The following areas at the facility do not have adequate secondary containment and/or diversionary structures or equipment:* | INVISTA has retained a contractor for construction of secondary containment and/or diversionary structures in these areas, and in certain cases, to assist to verify the adequacy of secondary containment and/or procedures, and to address development of procedures at locations in which secondary containment has been determined to be impracticable. | 8/26/04         | 10/25/04 and 12/15/04 extensions requested to dates below |  | A,D,F              |
|                        |                      |  | a. Tank 23, 6,000-gallon fuel oil No. 2 reservoir to Yarn Side Furnace and associated refueling area                         |   |                 | 2/28/05   | Tank completed 12/08/04, refueling area completed 12/30/04 |                    |
|                        |                      |  | b. Fuel oil No. 6 transfer station (Area 8)  |   |                 | 1/31/05   | 1/28/05  |                    |
|                        |                      |  | c. Finishing oil transfer station (Area 23)  |   |                 | 1/31/05   | 1/21/05  |                    |
|                        |                      |  | d. 550-gallon emergency fire pump diesel AST (#293) and associated refueling area  |   |                 | 1/31/05   | Tank completed 12/29/04, refueling area completed 12/30/04 |                    |
|                        |                      |  | e. 300-gallon diesel AST (A)   |   |                 | 12/31/04  | 12/30/04   |                    |
|                        |                      |  | f. 250-gallon ash dozer refill diesel AST (B)  |   |                 | 10/25/04 (no extension requested)                         | 10/8/04  |                    |

\* The non-compliant SPCC Plan and potential secondary containment issues at the Kinston facility were identified by INVISTA as potential compliance issues during its own due diligence conducted prior to its acquisition of the Kinston facility from DuPont. INVISTA discovered on June 25, 2004 that these violations had not been remedied. As a result of these findings, INVISTA decided to conduct a third party compliance audit described herein prior to its sale of the facility (which occurred on September 30, 2004). This compliance audit revealed further deficiencies in the SPCC Plan and the FRP Plan.

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| EXCEPTIONS FOR KINSTON |                     |                                  |  |                   |                 |  |  |                     |
|------------------------|---------------------|----------------------------------|--|-------------------|-----------------|--|--|---------------------|
| Item                   | Regulatory Citation | Brief Description of Requirement | Deficiency   | Corrective Action | Date Discovered | 60-Day Deadline  | Date Closed  | Frequency/ Duration |
|                        |                     |                                  | g. 6,000-gallon yarn side furnace diesel AST (#23)(erroneously identified as separate tank in First Quarterly Report. Tank stores No. 2 fuel oil and is the same tank as identified in item (a) above).                |                   |                 | 12/31/04   | Same as first item above; tank completed 12/08/04                        |                     |
|                        |                     |                                  | h. 4,000-gallon TPA1 Dowtherm condensate receiver  |                   |                 | 1/31/05  | 12/15/04   |                     |
|                        |                     |                                  | i. 5,000-gallon tank truck and 3,000-gallon tank truck near tank farm area (Area 35) for recycled finish oil   |                   |                 | 2/28/05  | 5,000 gallon tank completed 1/28/05; 3,000 gallon tank completed 1/28/05 |                     |
|                        |                     |                                  | j. 10,000-gallon cottonseed oil tank (Area 31) and 6,500-gallon waste finish oil separator (Area 27) in tank farm area   |                   |                 | 2/28/05 for 10,000-gallon tank 1/31/05 for 6,500-gallon tank | 12/21/04 10,000-gallon tank completed ; 6,500-tank completed 1/28/05     |                     |
|                        |                     |                                  | k. Dowtherm areas:<br>(1) 4,000-gallon TPA1 condensate receiver (same tank as identified in item (h) above;<br>(2) 4,500-gallon Dowtherm FER storage tank (Area 36), and<br>(3) eight 1,500 gallon Dowtherm vaporizers |                   |                 | 2/15/05  | (1) 12/15/04<br>(2) 12/8/04<br>(3) 12/15/04                              |                     |

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| EXCEPTIONS FOR KINSTON |                     |                                  |  |                   |                 |                 |  |                    |
|------------------------|---------------------|----------------------------------|--|-------------------|-----------------|-----------------|--|--------------------|
| Item                   | Regulatory Citation | Brief Description of Requirement | Deficiency   | Corrective Action | Date Discovered | 60-Day Deadline | Date Closed  | Frequency/Duration |
|                        |                     |                                  | l. Drum storage areas: DYI Used Oil Storage (Area 21), TC Combined Shops Used Oil Storage (Area 28), Power House Used Oil Storage (Area 12), I-1 Used Oil Storage down from mister (Area 21), Truck Shop Used Oil Storage, Waste Dowtherm Drum Storage Area (Vaporizer Area 40). |                   |                 | 12/15/04        | Vaporizer Area 40 completed 10/20/04; all other areas completed 12/15/04 |                    |
|                        |                     |                                  | m. Dowtherm Unloading Area (Railcar station) (This item was identified in the revised SPCC Plan but was inadvertently not included in the 1 <sup>st</sup> Quarterly Report to EPA.)  |                   |                 |                 | 11/18/04   |                    |



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|------------------------|------------------------------------|---|---|--|-----------------|-----------------|-------------|--------------------|
| Item                   | Regulatory Citation                | Brief Description of Requirement  | Deficiency  | Corrective Action  | Date Discovered | 60-Day Deadline | Date Closed | Frequency/Duration |
| 7                      | 40 C.F.R. §§ 112.7(c), 112.8(b)(1) | Secondary containment for oil storage areas and areas of operation at which an oil discharge subject to the Clean Water Act could potentially occur must prevent escape of an oil discharge from secondary containment. 40 The containment system must restrain drainage to prevent an oil discharge into a drainage system or a facility effluent system, unless the facility effluent system is designed to control such a discharge. | The sump in the secondary containment area for Tank 300 (1,000,000-gallon fuel oil No. 6 AST) continuously pumps steam condensate into a surface drainage ditch, and would continue to pump condensate and potentially spilled oil in the event of a release from Tank 300.   | The facility has re-routed the boiler condensate to a storage container or the wastewater system (Outfalls 001, 002 or 003).                               | 8/26/04         | 10/25/04        | 10/8/04     | A,F                |
| 8                      | 40 C.F.R. §112.8(c)(8)             | Covered facilities are required to install a device to indicate the level of liquid in bulk storage tanks.  | The following bulk storage containers lack level indicating devices: <ul style="list-style-type: none"> <li>• 400-gallon diesel emergency generator AST (Tank 290);</li> <li>• 250-gallon diesel ash dozer refill AST (Tank B);</li> <li>• two 550-gallon diesel ASTs (Tanks 285 and 286);</li> <li>• 550-gallon kerosene AST (Tank 284);</li> <li>• two 550-gallon gasoline ASTs (Tanks 282 and 283);</li> <li>• 250-gallon Tank A fuel oil supply for 3GT warehouse.</li> </ul> | The facility has installed level indicating devices on these containers, except Tank B, which was decommissioned on 10/8/04.                               | 8/26/04         | 10/25/04        | 10/21/04    | D,F                |
| 9                      | 29 C.F.R. § 1910.1001              | Employers are prohibited from exposing employees to airborne concentrations of asbestos above certain limits.   | Damaged friable asbestos containing materials (ACM) have been identified on the exterior and roof of the former R&D lab building.   | Mastic has been applied to contain identified damaged friable ACM, and tape has been installed and signs have been posted to restrict access to this area. | 7/9/04          | 9/7/04          | 8/2/04      | A,F                |
| 10                     | Part I, 2.2 D. 1. i of Title V     | Permittee must retain in site files "all emission factors used,   | The pertinent records were not retained in facility files; rather, they   | After further investigation, the pertinent records were located in   | 7/9/04          | N/A             | N/A         | E                  |

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|  |   |   |  |                 |  |  |  |  |
|--|---|---|--|-----------------|--|--|--|--|
|  | operating permit No. 09427T02 (15A NCAC 2D .0530) | documentation of their origin and/or derivation of the emission factors, and all calculations used to determine monthly VOC attributed to PET production at polymerization line Y7 and associated equipment.” | were in the possession of the facility’s consultant. | facility files. |  |  |  |  |
|--|---|---|--|-----------------|--|--|--|--|

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| EXCEPTIONS IDENTIFIED OUTSIDE OF AUDIT FOR KINSTON |   |   |   |   |                 |                 |             |                    |
|--|---|---|---|---|-----------------|-----------------|-------------|--------------------|
| Item   | Regulatory Citation   | Brief Description of Requirement  | Deficiency  | Corrective Action   | Date Discovered | 60-Day Deadline | Date Closed | Frequency/Duration |
| 1  | Part I, 2.1 F.4. b., d. and g. of Title V operating permit No. 09427T02 (15A NCAC 2D .0521) | Daily visual emissions observations of boilers 1, 2 and 3 and Dowtherm vaporizers 1–10 are required to be conducted and documented.   | Observations were not recorded in the logbook for several dates for both the boilers and the Dowtherm vaporizers. | The facility reported to NCDENR in semiannual report.<br><br>Facility procedures were modified to prevent recurrence. | 6/22/04         | 8/21/04         | 6/28/04     | B,F                |
| 2  | Part I, 2.1 F.1. f. ii. and g. of Title V operating permit No. 09427T02 (15A NCAC 2D .0503) | Monthly external visual inspections of the system ductwork, multiclones and baghouses of boilers 1 and 2 are required to be conducted and documented.   | The results of the required inspections were not recorded in the logbook for the month of May.                    | The facility reported to NCDENR in semiannual report.<br><br>Facility procedures were modified to prevent recurrence. | 6/22/04         | 8/21/04         | 6/28/04     | C                  |
| 3  | Part I, 2.2 B. 1. b. and c. of Title V operating permit No. 09427T02 (15A NCAC 2D .0958)    | The facility is required to have work practices for sources of volatile organic compounds, to store all material containing volatile organic compounds in covered containers, to perform and record monthly visual inspections, and to document "when each process heater receives the organic vapor stream from TPA2WW." | The results of certain inspections were not recorded in the logbook.  | Reported to NCDENR in semiannual report.<br><br>Facility procedures were modified to prevent recurrence.              | 6/22/04         | 8/21/04         | 6/28/04     | B,F                |

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| EXCEPTIONS FOR KENTEC |  |   |  |  |                 |                 |             |                    |
|-----------------------|--|---|--|--|-----------------|-----------------|-------------|--------------------|
| Item                  | Regulatory Citation                              | Brief Description of Requirement  | Deficiency   | Corrective Action  | Date Discovered | 60-Day Deadline | Date Closed | Frequency/Duration |
| 1                     | 40 C.F.R. § 372.30                               | For each toxic chemical known by the owner or operator to be manufactured (included imported), processed, or otherwise used in excess of an applicable threshold quantity at its covered facility for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R on an annual basis in accordance with specified instructions. The TRI reports contain detailed information regarding releases, transfers, on-site treatment, etc. for those chemicals. | The facility did not submit a Form R for 1,4 dioxane.  | The third party consultant retained to conduct EPCRA/TRI audits of the INVISTA facilities concluded that the SIC Code routinely used by Kentec Pack Cleaning (7389) was correct. Facilities within this SIC Code, including the Kentec facility, are not subject to EPCRA Form R requirements, so there was no violation of the EPCRA requirements.  | 7/9/04          | N/A             | N/A         | E                  |
| 2                     | 40 C.F.R. § 122.26,<br>15A NCAC 02H.0100         | Discharges of storm water associated with industrial activity must be covered by either an individual NPDES permit or a promulgated general storm water permit.   | The facility does not have a storm water permit or a No Exposure Certification for storm water at the plant.**   | Facilities within the SIC Code routinely used by Kentec Pack Cleaning (7389) are not required to obtain storm water permits or submit No Exposure Certifications. Nevertheless, the facility worked with the auditor that conducted the compliance audit to determine whether the facility could submit a No Exposure Certification for storm water, and reached the conclusion that such a certification would be appropriate, if the facility was within a covered SIC Code. | 7/9/04          | N/A             | N/A         | E                  |
| 3                     | Permit No. WQ0011757, Wastewater Recycle System, | A permit is required for the operation of a wastewater recycle system. N.C.G.S. 143-215.1A, 143-215.1,  | On June 4, 2004, the facility discovered that a permit existed for the leased wastewater recycle system tank (6,000 gallon water recycling tank), which had not been | The facility initially requested the contract operator of the facility to assume the permit obligations in light of its position as the facility operator. When it was not willing to  | 6/4/04          | N/A             | N/A         | E                  |

\*\* The lack of a storm water permit at the facility was identified by INVISTA as a potential compliance issue during its own due diligence conducted prior to its acquisition of the Kinston and Kentec facilities from DuPont. INVISTA discovered on June 25, 2004 that these violations had not been remedied. In part as a result of this finding, INVISTA decided to conduct a third party compliance audit prior to its sale of the facility (which occurred on September 30, 2004).

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**EXCEPTIONS FOR KENTEC**

| <b>Item</b> | <b>Regulatory Citation</b>                               | <b>Brief Description of Requirement</b>   | <b>Deficiency</b>  | <b>Corrective Action</b>  | <b>Date Discovered</b> | <b>60-Day Deadline</b> | <b>Date Closed</b> | <b>Frequency/Duration</b> |
|-------------|--|---|--|---|------------------------|------------------------|--------------------|---------------------------|
|             | N.C.G.S. 143-215.1, 143-215.1A,<br><br>15A NCAC 02H.0200 | 15A NCAC 02H.0200. In the event of an ownership change, a formal request for change in ownership must be submitted. Permit No. WQ0011757. | identified or transferred at the time of the transfer of the facility from DuPont to INVISTA. The recycling tank is owned and operated by MPT, Inc., a contract operator. The Kentec facility also is operated by a contract operator, Mundy, Inc. | do so, the facility requested the owner and operator of the recycling tank to assume the permit obligations, and it agreed to do so. However, as part of the transfer of the Kentec facility to a subsidiary of Unifi, Inc., Unifi indicated that the recycling permit should be issued to the subsidiary along with other permits for the Kinston and Kentec facilities. A permit transfer application to accomplish this transfer was sent to DuPont for review and signature on 10/1/04. |                        |                        |                    |                           |